

REMARKS

Claims 1-21 are pending in this application. By this Response, claims 1, 10, and 16 are amended for clarification purposes by adding punctuation where necessary for readability. Claims 3, 4, 12, 13, 18, and 19 are amended to change the term “the” to “a” for clarification purposes only. Such amendments are not necessary for defining over any prior art of record. No new matter has been added by any of the amendments to the claims. Reconsideration of the claims is respectfully requested in view of the following remarks.

I. Telephone Interview

Applicants’ representative was unable to schedule a telephone interview prior to the response due date. Therefore, Applicants respectfully request that the Examiner contact Applicants’ representative to discuss this application prior to taking any further action on this case.

II. Objection to the Specification

The Office Action objects to the specification stating that the reference to PO & invoice profile block 208 on page 9, lines 25-26 should be changed to PO & invoice profile block 206. Accordingly, by this Response, the specification is amended to correct the reference to block 206 in the specification. Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

III. Rejection under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 3, 4, 12, 13, and 19 under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. Specifically, the claims are rejected for reciting “the group” which the Office Action alleges lacks sufficient antecedent basis. By this Response, claims 3, 4, 12, 13, 18, and 19 are amended to change the term “the” to

“a” in order to ensure proper antecedent basis. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 3, 4, 12, 13, and 19 under 35 U.S.C. § 112, second paragraph.

IV. Rejection under 35 U.S.C. §102

The Office Action rejects claims 1-3, 5, 7-12, 14, 16-18, and 20 under 35 U.S.C. § 102(e) as allegedly being anticipated by Engelking et al. (U.S. Patent Application Publication No. 2005/0049911). This rejection is respectfully traversed.

Filed herewith are declarations under 37 CFR 1.131, signed by the inventors of the subject matter of the present claims, setting forth facts and exhibits that establish reduction to practice of the present invention prior to the effective date of the reference, or at least conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. Specifically, the evidence provided in the declarations establishes conception or reduction to practice at least as early as May 20, 2003. This is prior to the effective date of August 29, 2003 of the Engelking et al. reference. Moreover, the present invention was filed on September 18, 2003 which is less than 4 months from the May 20, 2003 date. Thus, there was at least conception of the invention prior to the effective date of the Engelking reference coupled with due diligence in filing Applicants’ application.

Therefore, having established invention of the subject matter set forth in the claims of the present application prior to the effective date of the Engelking reference, Applicants have eliminated the Engelking reference as prior art under 35 U.S.C. § 102(e). Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-3, 5, 7-12, 14, 16-18, and 20 under 35 U.S.C. § 102(e).

V. Rejections under 35 U.S.C. §103(a)

The Office Action rejects claims 4, 13, and 19 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Engelking. The Office Action further rejects claims 6, 15,

and 21 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Engelking in view of Hoskin et al. (U.S. Patent Application Publication No. 2004/0162763). These rejections are respectfully traversed for at least the same reasons as noted above with regard to the rejection under 35 U.S.C. § 102(e). That is, as discussed above, Engelking is not prior art under 35 U.S.C. § 102 and thus, cannot be used alone or in combination with other references to allegedly set forth a case of obviousness under 35 U.S.C. § 103(a). Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103(a) based on Engelking.

VI. Obviousness-Type Double Patenting

The Office Action rejects claims 1-4, 7-13, and 16-19 on the ground of non-statutory obviousness-type double patenting over claims 1-4, 8-14, and 18-21 of co-pending U.S. Patent Application no. 10/660012. This rejection is respectfully traversed.

Filed herewith is a terminal disclaimer disclaiming the term extending beyond that of the co-pending application. Under MPEP § 804.02:

A rejection based on a nonstatutory type of double patenting can be avoided by filing a terminal disclaimer in the application or proceeding in which the rejection is made. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Knohl*, 386 F.2d 476, 155 USPQ 586 (CCPA 1967); and *In re Griswold*, 365 F.2d 834, 150 USPQ 804 (CCPA 1966). The use of a terminal disclaimer in overcoming a nonstatutory double patenting rejection is in the public interest because it encourages the disclosure of additional developments, the earlier filing of applications, and the earlier expiration of patents whereby the inventions covered become freely available to the public. *In re Jentoft*, 392 F.2d 633, 157 USPQ 363 (CCPA 1968); *In re Eckel*, 393 F.2d 848, 157 USPQ 415 (CCPA 1968); and *In re Braithwaite*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967).

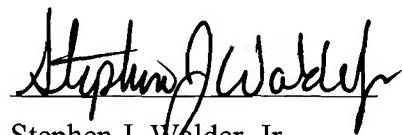
Thus, the non-statutory obviousness-type double patenting rejection of the claims in the present application has been overcome by the filing of the terminal disclaimer. Accordingly, Applicants respectfully request withdrawal of the rejection under non-statutory obviousness-type double patenting.

VII. Conclusion

It is respectfully urged that the subject application is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: January 29, 2008



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